

CIVIL COVER SHEET

2:18-4840

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

Hannah Curran

DEFENDANTS

Amica Mutual Insurance Company

(b) County of Residence of First Listed Plaintiff Montgomery County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Providence County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)
Vanderveen O'Neill Hartshorn & Levin - 215-548-1000
1219 Spruce Street
Philadelphia, PA 19107

Attorneys (If Known)
Mennies & Palmer, LLC - 610-490-8001
10 East 6th Ave, Suite 300
Conshohocken, PA 19428

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|---------------------------------------|----------------------------|---------------------------------------------------------------|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care - Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
28 U.S.C. Sec. 1332(a) (a) and Sec. 1441(a)
 Brief description of cause
Claim for uninsured motorist benefits

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

NOV - 8 2018

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

18

4840

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 800 E. Lancaster Avenue, Villanova, PA 19085

Address of Defendant: 100 Amica Way, Lincoln, RI 02865

Place of Accident, Incident or Transaction: U.S. Route 15, Tioga Township, PA

RELATED CASE, IF ANY:

Case Number _____ Judge _____ Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions

- | | | | |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 11/8/18 Richard J. Mennus 43966

Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

CIVIL: (Place a ☒ in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FELEA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☐ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☐ 11 All other Federal Question Cases
- (Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☒ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify) _____
- ☐ 7 Products Liability
- ☐ 8 Products Liability - Asbestos
- ☐ 9 All other Diversity Cases
- (Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration)

I, _____ counsel of record or pro se plaintiff, do hereby certify

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs
- ☐ Relief other than monetary damages is sought

DATE _____ Richard J. Mennus 43966

Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

CMR

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

Hannah Curran

v.

Amica Mutual Insurance Company

CIVIL ACTION

18 4840

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

11/8/18	Richard J. Mennies	Amica Mutual Insurance Company
<u>Date</u>	<u>Attorney-at-law</u>	<u>Attorney for</u>
610-490-8001	570-846-2987	rmennies@menniespalmer.com
<u>Telephone</u>	<u>FAX Number</u>	<u>E-Mail Address</u>

NOV - 8 2018

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Hannah Curran

vs.

Amica Mutual Insurance Company

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:
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:
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NO:

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4840

NOTICE OF REMOVAL

**TO: UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Defendant Amica Mutual Insurance Company, by and through its attorney, Richard J. Mennies, Esquire, hereby files this Notice of Removal of the above-captioned matter from the Court of Common Pleas of Philadelphia County, Pennsylvania, the jurisdiction in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof, avers as follows:

1. Plaintiff filed a Complaint in the Court of Common Pleas of Philadelphia County on October 12, 2018, and docketed at 181001669. (See attached Exhibit "A").
2. The Complaint was served on Defendant on October 15, 2018.
3. The Complaint seeks damages as a result of an automobile accident which occurred on or about January 29, 2017, and involves a claim for insurance benefits from this accident.
4. At the time this action was commenced and continuing to the present, Defendant Amica Mutual Insurance Company (hereinafter "Amica") is organized and exists pursuant to the Rhode Island Corporation and maintains its principal place of business in Lincoln, Rhode Island.

5. At the time this action was commenced and continuing to the present, Plaintiff is a resident and citizen of the Commonwealth of Pennsylvania, residing at 800 E. Lancaster Avenue, Villanova, Pennsylvania 19085.

6. The amount in controversy, based on the allegations of the Complaint, exceeds the sum of \$75,000.00 exclusive of interest and costs.

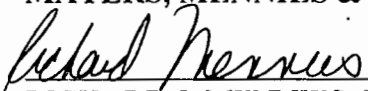
7. The present lawsuit is removable from State Court to the District Court of the United States pursuant to 28 U.S.C. §1332(a)(1) and §1441(a).

8. Copies of all process, pleadings and orders that have been received by Defendant are filed herewith.

9. This Notice is timely, having been filed within thirty days of service of the Complaint.

WHEREFORE, Defendant request that this action be removed from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

Dated: 11/8/18

MAYERS, MENNIES & SHERR, LLP
BY:  RM1252
RICHARD J. MENNIES, ESQUIRE #43966
Validation of Signature Code RM1252
10 E. 6th Avenue, Suite 300
Conshohocken, PA 19428
610-490-8001
rmennies@menniespalmer.com

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Hannah Curran

vs.

Amica Mutual Insurance Company

:
:
: NO:
:
:

CERTIFICATE OF SERVICE

I, RICHARD J. MENNIES, ESQUIRE, Attorney for Defendant, hereby certify that a true and correct copy of the foregoing Notice of Removal has been served on the following via email, on the date listed below:

Van der Veen O'Neill Hartshorn & Levin
Michael T. van der Veen, Esquire
1219 Spruce Street
Philadelphia, PA 19107

MENNIES & PALMER, LLC

Dated: 11/8/18


BY:  RM1252
RICHARD J. MENNIES, ESQUIRE #43966
Validation of Signature Code RM1252
10 E. 6th Avenue, Suite 300
Conshohocken, PA 19428
610-490-8001
rmennies@menniespalmer.com

Exhibit A

VAN DER VEEN, O'NEILL, HARTSHORN & LEVIN

BY: Michael T. van der Veen

ID No. 75616

1219 Spruce Street

Philadelphia, PA 19107

P: (215) 546-1000

F: (215) 546-8529

Filed and Attested by the
Office of Judicial Records

12 OCT 2018 03:34 pm

M. BRYANT

MAJOR JURY

ATTORNEY FOR PLAINTIFFS

HANNAH CURRAN
800 E. Lancaster Avenue
Villanova, PA 19085

Plaintiff,

v.

AMICA MUTUAL INSURANCE
COMPANY
100 Amica Way
Lincoln, RI 02865

Defendant.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY

: CIVIL ACTION

: OCTOBER TERM, 2018

: No.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Se le avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Al igual, la corte puede decidir a favor del demandante y expore que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes por lo tanto, LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE FUNCIONARIOS DE LA ABOGACIA
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Philadelphia, Pennsylvania 19107
Teléfono: 215-238-6333

VAN DER VEEN, O'NEILL, HARTSHORN & LEVIN

BY: Michael T. van der Veen

ID No. 75616

1219 Spruce Street

Philadelphia, PA 19107

P: (215) 546-1000

F: (215) 546-8529

MAJOR JURY

ATTORNEY FOR PLAINTIFF

HANNAH CURRAN
800 E. Lancaster Avenue
Villanova, PA 19085

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY

: CIVIL ACTION

Plaintiffs,

v.

: OCTOBER TERM, 2018

AMICA MUTUAL INSURANCE
COMPANY
100 Amica Way
Lincoln, RI 02865

: No.

Defendant.

COMPLAINT IN CIVIL ACTION

1. Plaintiff Hannah Curran is an adult individual who, at all times relevant hereto, resided at Villanova University the address indicated above.

2 Defendant Amica Mutual Insurance Company (hereinafter "Amica"). is an insurance company incorporated under the laws of Rhode Island with a principal place of business located at the address indicated above and is registered to do business with the Pennsylvania Department of Insurance and regularly conducts business in Philadelphia, Pennsylvania.

COUNT I.
BREACH OF CONTRACT

3 Plaintiff incorporates by reference thereto the preceding paragraphs as though the same were set forth herein at length

4. On or about January 29, 2017, at approximately 6:30 p.m., Plaintiff Hannah Curran was travelling southbound on U.S. Route 15 on the bridge over Mill Creek in Hoga

Township, Pennsylvania, and had pulled over to the side of the road on the shoulder and out of the travel lane.

5 On the aforementioned date and place, a vehicle owned and operated by an underinsured vehicle (hereinafter "tortfeasor") was also traveling southbound on U.S. Route 15 when she lost control of her vehicle and rear-ended Plaintiff Hannah Curran, causing Plaintiff Hannah Curran to suffer serious bodily injury, as will be described below.

6. Prior to the date of the accident, Defendant Amica issued a policy of automobile insurance, known as Policy No. 97093820QS (hereafter "the Policy").

7. The policy was in full force and effect on the date of the accident. Said policy contained a UM/UIM Endorsement with policy limits of \$500,000.00. As the driver of the aforementioned motor vehicle insured by Defendant, and a named beneficiary under the Policy, Plaintiff Hannah Curran is entitled to Uninsured/Underinsured Motorist coverage thereunder.

8. The tortfeasor was underinsured, whose carrier previously tendered its minimal policy limits to the Plaintiff Hannah Curran after Plaintiff Hannah Curran received permission from the Defendant to accept the policy.

9. Said tortfeasor is considered underinsured and a claim was made by Plaintiff Hannah Curran, pursuant to the policy.

10. As a direct and proximate result of the negligence of the underinsured Tortfeasor, Plaintiff Hannah Curran suffered serious and permanent personal injuries, both physical and emotional, including but not limited to a concussion, traumatic brain injury, memory loss, cognitive disability, headaches and nausea; was caused to endure pain, suffering, mental shock and anguish; incurred medical expenses and will in the future incur additional medical expenses.

11. As a direct and proximate result of the negligence of the underinsured Tortfeasor, Plaintiff Hannah Curran was prevented from attending to her normal activities and duties; lost

time from school and the resultant loss of tuition; suffered impairment of future earning capacity, suffered a diminution of her quality of life, will endure future pain and suffering, and was otherwise injured and damaged

12 As a further result of the negligence of the underinsured Tortfeasor, Plaintiff Hannah Curran has been obligated to receive and undergo medical attention and care for the injuries, to incur various expenses for said care and may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

13. As a further result of the negligence of the underinsured Tortfeasor, Plaintiff Hannah Curran has suffered a loss of income and earning capacity in the future.

14. As a direct result of the negligence of the underinsured Tortfeasor, Plaintiff Hannah Curran has or may hereafter incur other financial expenses or losses to which he may otherwise be entitled to recover.

15. Plaintiff Hannah Curran made an Underinsured Motorist claim to Defendant Amica under the policy regarding the aforementioned motor vehicle accident. Plaintiff provided Defendant with medical records, outstanding bills and associated documents in seeking Plaintiff's policy limits.

16. Defendant Amica has refused to settle Plaintiff Hannah Curran's valid claim with a reasonable estimate of Plaintiff Hannah Curran's injuries and damages, in violation of its contractual and statutory obligations

17 Defendant has a contractual obligation to compensate Plaintiff Hannah Curran for her damages, which they have breached.

18. Plaintiff Hannah Curran demands that the Defendant make payment to compensate the Plaintiff pursuant to its Underinsured Motor Vehicle Policy, which is a valid claim, an obligation that the Defendant has not met

19 Accordingly, Plaintiff Hannah Curran seek recovery under the terms of the policy with Defendant, together with all other statutory damages as is legally appropriate under 42 Pa Cons Stat. §8371, including reasonable attorney's fees, costs and interest

WHEREFORE, Plaintiff Hannah Curran demands damages of Defendant in a sum in excess of Fifty Thousand (\$50,000.00) Dollars including, pursuant to the above statute, interest, punitive damages, court costs and attorney's fees.

**COUNT II.
BAD FAITH**

20 Plaintiff incorporates by reference thereto the preceding paragraphs as though the same were set forth herein at length

21 On or about February 7, 1990, the Governor of Pennsylvania signed into law 42 P S Section 8371, effective July 1, 1990, titled, "Actions on Insurance Policies", which provides a private cause of action for bad faith against insurance companies as follows.

"In an action arising under an insurance policy, if the court finds that the insurer has acted in bad faith toward the insured, the court may take all of the following actions

- i Award interest on the amount of the claim from the date the claim was made by the insured in an amount equal to the prime rate of interest plus 3%.
- (2) Award punitive damages against the insurer
- (3) Assess court costs and attorney fees against the insurer".

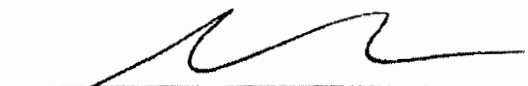
22 Defendant has failed to provide payment of Plaintiff's medical bills and/or lost wages under the policy of insurance in force on the day of the accident.

WHEREFORE, Plaintiff demands of Defendant the payment of medical bills, plus reasonable attorney's fees, costs and interest on said overdue benefits.

VAN DER VEEN, O'NEILL, HARTSHORN & LEVIN

DATE

BY

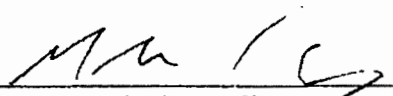


Michael T. van der Veen, Esq
Attorney for Plaintiff

VERIFICATION

I, Michael T. van der Veen, Esquire, verify that I am the attorney for Plaintiff herein and that the statements made herein are true and correct to the best of my knowledge, information and belief.

I further understand that this statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to the unsworn falsification to authorities.



Michael T. van der Veen, Esq.
Attorney for Plaintiff

Date: 10/12/18